

Clerk of the Court

United States District Court  
Western District of New York  
111 Kenneth B. Keating Building  
100 State Street  
Rochester, N.Y. 14614-1387

Victor Rodriguez #94-A-5406  
Attica Correctional Facility  
P.O.Box 149  
Attica, N.Y. 14011-0149

Dated: Dec., 23rd, 2022

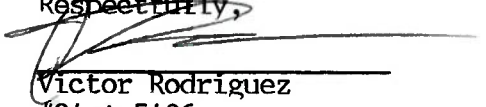
RE: Civil Right Complaint 42 U.S.C.A. §1983

Dear Sir/Madam:

Please find attached herewith an Original 42 U.S.C.A. §1983 Civil Right Complaint, along with Affidavit of Service and Verification". Please file the attached Complaint with the Court for me and assign me a judge to preside over this matter.

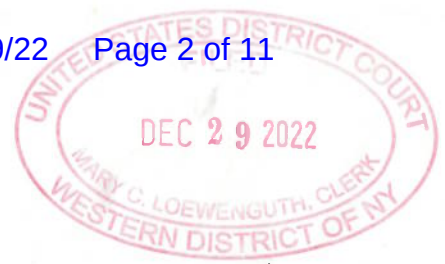
Thank you for your attention, time and assistance. I remain.

Respectfully,

  
Victor Rodriguez  
#94-A-5406  
Plaintiff's Pro-Se  
Attica Correctional Facility  
P.O.Box 149-639-Exchange St.,  
Attica, N.Y. 14011-0149

cc/ File

=Please note; "It took me almost a month to get to the Law Library and make copies of my complaint".



UNITED STATE DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK-----X

VICTOR RODRIGUEZ, Plaintiff,

CIVIL RIGHT COMPLAINT  
Pursuant to; 42 U.S.C.A.  
§1983

-Against-

DAVID D. WILLIAMS., M.D., Attica Corr.,  
Facility, Physician;

22 -CV-1020(-JLS)

CONCETTA M. PARTRIGE., Inmate Grievance  
Supervisor, Attica Correctional Facility

JURY TRIAL DEMENDED: "Yes"

And KAY G. ARNOLD., Department of Corrections  
And Community Supervisions;

-----Defendant(s).-X

JURISDICTION AND VENUE

1. This is a Civil Action seeking relief/damages to defend And protect the rights guaranteed by the Constitution of the United States. This Action is brought pursuant to 42 U.S.C.A. §1983. This Court has Jurisdiction over the Action pursuant to 28 U.S.C.A. 1331, 1343 (3), (4) And 2201. This Action is for Deliberate Inderrence/ Malpractice, Inadequate Medical Care, Delay of Diagnosis and Treatment the Defendant(s) failed to provide the Plaintiff's with, as well as placing Plaintiff's life in danger; As a result, Plaintiff suffered injury".

Plaintiff's Information:

Name: Victor Rodriguez #94-A-5406  
Address: 639 Exchange St., Attica, N.Y. 14011-0149

Defendant(s) Information; PARTIES INVOLVED:

Defendant No. 1: David D. Williams., M.D.,  
Official Position: Attica Corr., Fac.  
Address: 639 Exchange Street  
Attica, N.Y. 14011-0149  
Facility Health Service Director

Defendant No. 2:  
Official Position:  
Address:

CONCETTA M. PARTRIGE; Inmate  
Grievance Supervisor., Attica  
Correctional Facility  
639 Exchange Street  
Attica, N.Y. 14011-0149

Defendant No. 3:  
Official Position:  
Address:

KAY G. ARNOLD: Grievance Agent  
for Department of Corrections  
And Community Supervisions  
(DOCCS)  
1220 Washington Avenue  
Albany, N.Y. 12224

PREVIOUS LAW SUITS:

2. This Action is being recorded at State Level, Filed June 14th, 2021".

EXHAUSTION OF REMEDIES:

3. Plaintiff's Victor Rodriguez, filed a Grievance pursuant to 42 U.S.C.A. 1997e (a), while an inmate at; "Attica Correctional Facility on May 19th, 2020, in concerned with a stroke And Heart Issues, which was denied after having had a stroke And two Heart-Attacks, And receiving no treatment, until he was seen by outside hospital; See Attached Exhibit "A".

4. Pursuant to Plaintiff's Grievance number [A-1107-20], which was denied; Defendant Dr. David D. Williams; M.D. And Concetta M. Partridge, Inmate Grievance Supervisor", Plaintiff did not had a Heart-attack, Report/Memorandum dated 06-26-20, stated and Forged Plaintiff's Medical Records, to show Plaintiff only had one Cardia Schemia, after an (EKG) was performed; See Attached Exhibits "B" Paragraphs 6, MEMORANDUM dated; 06-26-20 and "F", Plaintiff's Medical Records".

5. Plaintiff's filed an (Appeal) to Attica's Superintendent, and a (Notice of Intention to file a Claim) with the Attorney General's Office in Albany, N.Y., received August 4th, 2020; See attached Exhibits "C", "D", and (E); (CORC)".

STATEMENT OF FACTS TO THE ACTION HEREIN:

6. On or about the middle of March, 2020, Plaintiff had a stroke, he woke up in the morning for the breakfast list and noticed the (right-side) of his body was frozen/dead, he managed to slide out of his bed and banged his right shoulder against the prison's cell bars to recovered his blood circulation, was taken to Attica' Clinic and (Ibuprofen) was prescribed". A few days later someone told Plaintiff, "that's a sign of a heart-attack".

7. Surely, on April 8th, 2020, Approx., 3: Am., Plaintiff had his first heart-attack and was rushed to Attica Corr., Fac., **Infirmary**, where the attending nurse only asked questions about the Plaintiff's heart-issues and family medical history.

8. Attica's attending nurse placed EKG patches on Plaintiff's chest and sent him to sleep overnight at the second ploor infirmery, gave him some pills and returned him the next morning to his housing location upon Plaintiff's objections to be taken outside hospital, citing "CoronaVirus" to justified sending him out in this emergency situation".

9. On April 11th, 2020, upon Plaintiff walking outside his cell (B-22-3 cell) to take a shower, at Approx., 9:30 Am., Plaintiff's fell to the floor, having another heart-attack, rushed again to Attica's Infirmery, EKG patches placed on his chest, gave him some pills and again returned to his housing location.

10. It wasn't until about April 29th, 2020, that Plaintiff was finally sent outside hospital (i.e.), "Erie County Medical Center", (ECMC). On or about May 3rd, 2020, while waiting in bed at (ECMC), a doctor now known to Plaintiff as Dr. Victor Vicanti J., (M.D.), entered Plaintiff's room and asked Plaintiff; Dr. Vicanti, "Good morning Mr. Rodriguez, do you know why you are here? Plaintiff, "I had chest pain"; Dr. Vicanti, "Yes, you had what they call a sleepy-heart attack"; Dr. Vicanti, "Why didn't they sent you out in the first heart attack? Plaintiff, "They said something about 'CoronaVirus'; Dr. Vicanti, shook his head from side to side as in disbelieve and as he turned to leave the room said, "Oh!, I have to take three stress tests before you leave here"., at which time Plaintiff's found out he had a Claim".

11. After Dr. Vicanti performed the three stress tests on Plaintiff; the next day May 4th, 2020, Plaintiff was sent to "Buffalo Medical Center", (BMC), where a doctor named (IYER) performed heart surgery on Plaintiff using Plaintiff's right hand's vain, placed [Stents/Rings] in Plaintiff's heart, arteries and on this same day May 4th, 2020, returned Plaintiff back to Attica's infirmary and once back in Attica, placed on Quarantine for Fourteen Days (14).

12. Thus the Plaintiff's suffered a stroke and two heart attacks was due to (High level of Cholesterols) which have been on Plaintiff's Medical Chart/Records since way before 2006/2007, when Plaintiff was warned by a doctor named (Acrysh) at; "Green Haven Correctional Facility", who told Plaintiff that,"if not treated, he could be dead in less than two years"; this warning was prior to the years (2006-

2007; See attached Exhibits "F", Plaintiff's Medical records); Plaintiff since then have written letters of request to be placed on diet meals and all requestshave been ignored until now, after the Plaintiff's have suffered a stroke and two heart attacks, which injuries would/could have been prevented if treated on time/earlier, when Plaintiff first/second time wrote them, **warn them.**

Plaintiff have to endured the rest of his life taking four different type of pills (4), twice a day; See attached Exhibits "G", letters of request".

13. STATEMENT OF CLAIMS RELEVANT TO THE ACTION HEREIN:

CLAIM #1

DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS ;  
DEPRIVED THE PLAINTIFF OF PROPER, ADEQUATE MEDICAL  
TREATMENT AND CARE, 8TH, 14TH AMENDMENTS U.S. CONST.

The Defendant, David D. Williams, (M.D.), Medical Director at;"Attica Correctional Facility Infirmary, and Health Services Director, Knowingly, willfully cause injury to the Plaintiff when he failed to properly and correctly examine the Plaintiff and his Medical records showing that Cholesterol being at a high level could cause a stroke and/or heart attack, (i.e.),"stroke on or about March 19th, 2020, fisrt heart attack April 8th, 2020, when Plaintiff first complained of body troubles, refuses to give the correct diagnosis of the Plaintiff, **in violation** of the **8th, 14th** Amendments of the United States **Constitution.**

CLAIM #2

The Defendant David D. Williams, (M.D.), knowingly and willfully cause injury to Plaintiff and deprived the Plaintiff of serious Medical Needs, adequate Medical Treatment and care when Plaintiff complaint of his first, second heart attacks, refuses to re-examine the Plaintiff and his Medical Records, returning the Plaintiff to his cell location both times upon Plaintiff's objections to be sent to an outside hospital, placing Plaintiff's life in danger; **in violation of the 8th, 14th Amendments of the United States Constitution.**

CLAIM #3

The Defendant Concetta M. Partridge, (Inmates Grievance Committee Resolution Supervisor) at;"Attica Correctional Facility), knowingly and willfully cause injury to Plaintiff when she forged Plaintiff's Medical Records alleging "Cardia Schimia", after Plaintiff's filed Grievance, and refuses to answer any of the Plaintiff's Medical Complaints pursuant to 42 U.S.C. §1997e(a)c., in violation of the 8th, 14th Amendments of the United States Constitution.

CLAIM #4

The Defendant Kay G. Arnold, Director of Central Office Review Committee, (CORC), for Inmates filing complaints of serious needs, which acknowledge the Plaintiff's **Complaints** and returned any form of answer until after the Plaintiff was seen by Erie County Medical center, causing Plaintiff injury, in violation of the 8th, 14th Amendments of the United States Constitution.



14. Plaintiff at all time complaint of his Cholesterol and other issues concerning his heart as was noted by doctors while the Plaintiff was within another facility, (i.e.), "Green Haven, Great Meadow Correctional Facility way back around 2006-to-2016".

15. [RELIEF REQUESTED]

1. DECLARATORY JUDGMENT, that the acts, policies and practices set forth herein by the defendants, violated the right of the Plaintiff under the United States and New York State Constitution.

2. PERMANENT INJUNCTION, which prohibits the defendant(s), their successors in office, agents and all other persons acting in concert from retaliating and (or) denying Plaintiff Proper/Adequate Medical Care and Treatment.

3. COMPENSATORY AND PUNITIVE DAMAGES, in the amount of \$2,500.000.00., "Two Million Five Hundred Thousand Dollars, from each defendant in their individual and official capacity for pain, suffering, mental anguish caused to Plaintiff and future medical expenses.

4. The plaintiff seeks, \$7,500.000.00., "Seven Million Five Hundred Thousand Dollars", in whole from the defendant(s), as the defendants cause serious injury and if continue to deny the Plaintiff's medical care, needs of serious condition without sending him to an outside hospital, nearly caused the death of the Plaintiff.

[All exhibits heretowith establishes a "prima-Facie" showing of defendant(s) deliberate indifference and failed to treat, care for



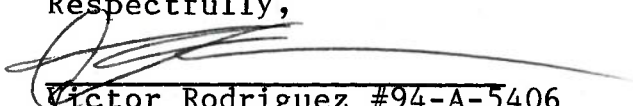
the Plaintiff's medical condition adequately , showing Plaintiff's suffered serious injury at the hands of the defendant(s); And after the Plaintiff filed his grievance, did the defendants forged Plaintiff's medical records to read other than what actually occurred and what serious medical issues the Plaintiff had, until he was seen by Erie County Medical center". Plaintiff has a right under the 8th and 14th Amendments of the United States Constitution, New York State Constitution Article 1 and §6; not to be subjected to Cruel and unusual punishment and or his due process right violated". Their conduct caused the Plaintiff serious, permanent injuries.

WHEREFORE, the Plaintiff prays for the granting of this action with the relief sought and any other, further relief as this Court deem just and proper.

EXECUTED ON; Oct., 11th, 2022

cc: File

Respectfully,

  
Victor Rodriguez #94-A-5406  
Plaintiff's pro-Se  
Attica Correctional Facility  
P.O.Box 149-639 Exchange St.,  
Attoica, N.Y. 14011-0149

"I declare under the penalty of perjury  
that the forgoing is true and correct",  
See; 28 U.S.C.A. §1746.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF WYOMING )

I, Victor Rodriguez, being duly sworn, deposes and says:  
that on this 11<sup>th</sup> day of October, 2022, I have served true and exact  
copies of the foregoing documents: Civil Rights Complaint, Pursuant  
to: 42 U.S.C.A. §1983; See 28 U.S.C.A. §1746".

upon the below listed person(s), to wit: United States District Court,  
Western District of New York, 111 Kenneth B. Keating Bldg.,  
100 State Street., Rochester, N.Y. 14614-1387

by placing same in postage prepaid envelopes and depositing in the U.S. Mail at Attica  
Correctional Facility.

DATED: Oct 11<sup>th</sup>, 2022

Yours etc.,

Victor Rodriguez, Plaintiff.,  
Attica Correctional Facility  
P.O. Box 149  
Attica, New York 14011

cc: File.

Sworn to before me this

11<sup>th</sup> DAY OF October, 2022

Michelle A. Kibler

NOTARY PUBLIC


**MICHELLE A. KIBLER**  
Notary Public, State of New York  
Registration No. 01K16426443  
Qualified in Wyoming County  
Commission Expires 12/13/2025

**VERIFICATION**

STATE OF NEW YORK)  
COUNTY OF WYOMING ) ss.:

I, Victor Rodriguez #94-A-5406, being duly sworn deposes and say that:

I am the Plaintiff herein named; I have read the foregoing Civil Right Complaint §1983 and know its contents; the same is true to my knowledge except to those matters therein stated to be alleged on information and belief; and as to those matters I believe them to be true.

  
Victor Rodriguez # 94-A-5406  
Plaintiff's Pro-Se  
Attica Correctional Facility  
P.O.Box 149-639 Exchange St.,  
Attica, N.Y. 14011-0149

Subscribed and sworn to before me  
on this 11<sup>th</sup> day of October, 2022

  
NOTARY PUBLIC

cc: File

**MICHELLE A. KIBLER**  
Notary Public, State of New York  
Registration No. 01K18428443  
Qualified in Wyoming County  
Commission Expires 12/13/2025